IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.24413 of 2008
AVINASH YADAV @ AVINASH KUMAR YADAV
Versus
THE STATE OF BIHAR

03/ 19.08.2008

Heard.

The petitioner Avinash Yadav @ Avinash Kumar Yadav is in custody in a case under Sections 302, 364/34 of the IPC.

The allegation is that the petitioner and the deceased went together to the petitioner's house and thereafter, the deceased became traceless. Initially, the informant stated that the deceased had handed over Rs. 73,000/- to the petitioner for paying the bribe for obtaining employment to the accused B.D.O., but neither the employment nor the money was recovered and asking the petitioner to return back the money would have resulted his death after kidnapping.

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The dead body was recovered after 10 days of the incident. As regards the materials in the case diary except a few statements as come in paragraphs 72 and 73, there does not even appear an iota of it indicating that the petitioner could have anything do with the deceased. The witnesses examined in the above noted paragraphs have merely stated that the deceased and the petitioner were seen at a particular place, whereas the deceased has stated

that he was going with the petitioner. Except that there is no other material against the petitioner and considering that, let petitioner Avinash Yadav @ Avinash Kumar Yadav be released from custody on furnishing a bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Madhepura in connection with Alam Nagar P.S. Case No. 07 of 2008.

DKS/ **(Dharnidhar Jha, J.)**

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